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**Pro Hac Vice Admission Forthcoming*

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

TRANSGENDER LAW CENTER, and
 JOLENE K. YOUNGERS, as personal
 administrator for the wrongful death estate
 of Roxsana Hernandez,

Plaintiffs,

v.

UNITED STATES IMMIGRATION AND
 CUSTOMS ENFORCEMENT; UNITED
 STATES DEPARTMENT OF
 HOMELAND SECURITY; OFFICE FOR
 CIVIL RIGHTS AND CIVIL LIBERTIES –
 UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY,

Defendants.

Civil Action No.: [3:19-cv-03032-SK](#)

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' CROSS-MOTION
 FOR SUMMARY JUDGMENT
 AND DENYING DEFENDANTS'
 MOTION FOR SUMMARY
 JUDGMENT**

1 Having considered the motion for summary judgment of defendants United States
2 Immigration and Customs Enforcement, United States Department of Homeland Security, Office
3 for Civil Rights and Civil Liberties -- United States Department of Homeland Security
4 (“Defendants’ Motion”) and the cross-motion for summary judgment of plaintiffs Transgender
5 Law Center and Jolene K. Youngers (“Plaintiffs’ Cross-Motion”), and all papers filed in
6 connection therewith, and GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT:

7 1. Defendants’ Motion is DENIED, and Plaintiffs’ Cross-Motion is GRANTED.

8 2. Plaintiffs are entitled to a Declaratory Judgment that Defendants failed to comply
9 with the Freedom of Information Act’s Deadlines as required by 5 U.S.C. § 552(a)(6)(A)(i-ii).

10 3. Defendants unlawfully denied Plaintiffs’ request for expedited processing of
11 Plaintiffs’ FOIA Requests.

12 4. Defendants’ searches were not adequate. Defendants shall undertake a second
13 effort to search for and produce all documents in response to Plaintiffs’ FOIA Requests Nos. 2019-
14 ICLI-00053, No. 2019-HQFO-00384, and No. 2020-ICFO-21832 within thirty (30) days of the
15 date of this Order. Defendants shall specifically make reasonable efforts to search for drafts of
16 Roxsana Hernandez’s mortality/morbidity review and any drafts and final versions of Ms.
17 Hernandez’s root cause analysis.

18 5. Defendants’ withholdings based on Exemption 5, Exemption 6, Exemption 7(C),
19 and Exemption 7(E) are not lawful and Defendants failed to reasonably segregate non-exempt
20 information. Defendants shall, within thirty (30) days of the date of this Order, re-produce all
21 responsive records that they have identified to date without redacting or withholding anything
22 based on these Exemptions.

23 6. Defendants’ proposed *Vaughn* Indices are inadequate and not specific. Within
24 thirty (30) days of the date of this Order, Defendants shall produce new *Vaughn* Indices that
25 provide the specific basis of any withholding.
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1 IT IS SO ORDERED on this ____ day of _____, 2020.
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4 HON. SALLIE KIM
5 United States District Court Judge
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